REMARKS

Reconsideration of the application is requested.

Claims 6-12 are now in the application. Claims 6-12 are subject to examination. Claims 6-10 have been amended. Claims 11 and 12 have been added.

Under the heading "Informalities or Claim Objections" on page 2 of the above-identified Office Action, the Examiner objected to claims 7-10 under 37 CFR 1.75 (c).

Claims 7-10 have been rewritten to address what is believed to be the concerns of the Examiner.

Under the heading "Claim Rejections – 35 USC § 112" on page 2 of the above-identified Office Action, claims 6-10 have been rejected as being indefinite for failing to particularly point out and distinctly claims the subject matter under 35 U.S.C. § 112, second paragraph.

Claims 7-10 have been rewritten to address the concerns of the Examiner. Claims 11 and 12 have also been added.

Support for these changes may be found by referring to the paragraphs of the published application listed below.

Paragraph [0017]:

- Creating configuration data by provider;

- Using configuration data for automation installation of provider;

- Storing configuration data in a storage location of a database.

Paragraph [0020]:

- Downloading configuration data by the buyer;

- Using configuration data to configure automation installation of the buyer.

Paragraph [0017]:

- Attaching description to configuration data.

Paragraphs [0009] and [0011]:

- Given value being the payment value.

Paragraph [0010]:

- Payment value being transferred to provider for each acquired copy of configuration data, which provider has stored on the database.

Paragraph [0012]:

- Provider and buyer using Internet connection to access the database.

Paragraph [0022]:

- Buyer adds functionalities to configuration data (claim 11).

Paragraph [0022]:

- Buyer storing the amended configuration data in the database and

   making them accessible for other users (claim 12).

No new matter has been added.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. §
112, second paragraph.

Under the heading "Claim Rejections – 35 USC § 101" on page 3 of the above-
identified Office Action, claims 6-10 have been rejected as being directed to
non-statutory subject matter under 35 U.S.C. § 101.

The steps of the method have been tied to an automation installation and a
storage location of a database. The method is coupled to components of the
installation, (configuration of an automation installation, storing configuration
data in a storage location of a database, downloading a copy of configuration
data from the database, using configuration data to configure automation
installation of the buyer). Applicant believes the claims comply with 35 U.S.C.
§ 101.

Under the heading "Claim Rejections – 35 USC § 103" on page 4 of the above-identified Office Action, claims 6-10 have been rejected as being obvious over U.S. Patent No. 7,085,744 to Morrison in view of archived web pages of www.downlad.com under 35 U.S.C. § 103.

Morrison merely discloses an installation with which an Internet user can download an extensive file at a charge without being charged again for a renewed attempt to download the file in case the Internet connection breaks down (see Morrison, column 1, lines 49-54, column 2, lines 39-44). To solve this problem, Morrison teaches encrypting the file to be downloaded from the Internet with a session key and to couple the payment process NOT to the transmission of the extensive file but to the transmission of the session key to the Internet user (see, for example, Morrison, column 2, lines 45-55). In summary, applicant notes that Morrison discloses the transmission of data from a server to an Internet user and perform a payment operation therefore. However, Morrison does not show in particular the following features:

a) Creating configuration data by provider;

b) Configuration data being able to be used to configure automation installation of provider;

c) Storing configuration data in a storage location of database;

d) Using configuration data by buyer to configure his automation installation.

Furthermore, as correctly noted by the Examiner, Morrison does not disclose that the file to be transferred from the server to the Internet user can comprise configuration data.

In this regard, the Examiner cites the Internet page www.download.com and alleges it teaches that the file transferred from the server to the user can be configuration data. Applicant accessed the indicated Internet page www.download.cim, which apparently represents a download portal for different software programs for the user of a computer. However, even after intensive search, applicant did not find that configuration data for automation installations are offered under this Internet address. Rather, one can find the following subjects in the navigation bar "Categories" (left page):

- Security software

- Browsers

- Business software

- Communications

- Desktop enhancements

- Developer tools

- Digital photo software

- Drivers

- Educational software

- Entertainment software

- Games

- Graphic design software

- Home software

- Internet software

- i-Tunes and i-Pod software

- MP3 & audio software

- Networking software

- Productivity software

- Screensavers & wallpaper; and

- Utilities and operating software

Therefore, they are software programs for the private use of a computer. A pointer to industrially usable programs and in particular configuration data for automation installations cannot be found.

Thus, applicant concludes that the missing feature "configuration data" is not rendered obvious by the Internet address set forth.

Additionally, applicant asserts that the Internet address www.download.com provides no information as to whether this website could have been accessed by the public at the time of the filing the instant patent application. On page 5 of the Office action, the Examiner merely made the general and unsupported statement, "Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Morrison by adopting teachings of Download.com..."). Therefore, applicant believes that the general citation of

the Internet address www.download.com is not sufficient to establish a

publication date that is prior to applicants filing date.

However, even if such a date were to be established, applicant points to the

discussion provided above. It has been shown that no teaching of

configuration data for automation installations appears at the Internet address

www.download.com. Besides that, the further missing features a) - d) (listed

above) are also not found at www.download.com. The invention as defined by

claim 6 could not have been suggested by combining Morrison with

www.download.com.

It is accordingly believed to be clear that none of the references, whether taken

alone or in any combination, either show or suggest the features of claim 6.

Claim 6 is, therefore, believed to be patentable over the art. The dependent

claims are believed to be patentable as well because they all are ultimately

dependent on claim 6.

In view of the foregoing, reconsideration and allowance of claims 6-12 are

solicited.

In the event the Examiner should still find any of the claims to be unpatentable,

counsel would appreciate receiving a telephone call so that, if possible,

patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of $130.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

/Mark P. Weichselbaum/
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MPW:cgm

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